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09/882,771	06/18/2001	Yean Yee Wong		9295

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Yean Yee Wong  
374 Deering Lane  
BOLINGBROOK, IL 60440

EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,771

Applicant(s)

WONG, YEAN YEE

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/18/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-28 have been examined.

### *Specification*

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to. The Abstract on record dated 6/18/2001 does not describe the claimed invention. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "a-i can be repeated". However, the parent claim 8 only has steps a-f. Therefore, there is insufficient antecedent basis for the limitation in the claim 9.

Correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 4 and 20, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 1-7 are indefinite. Claim 1 states "using common categorizing techniques adopted by various Internet search engines". This phrase is indefinite and needs correction.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (20010032258).

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Claims 1, 8, 15, 18, 23, 28: A method for effectively reaching a target audience and significantly increasing the efficiency of Internet banner advertisement, said method comprising:

(a) defining various Internet page categories using common categorizing techniques adopted by various Internet search engines (Fig. 7; Fig. 18);

(b) categorizing all available Internet banner advertisements into said various Internet page categories (Fig. 9; Fig. 7; Fig. 18; [137 ; 154]);

(c) sampling a plurality of consecutive Internet pages a target audience having just surfed (Figures 3a, 3b, 4, 5, 7, 18);

(d) sampling a plurality of length of time said target audience having spent on each of said plurality of consecutive Internet pages said target audience having just surfed (Figures 3a, 3b, 4, 5);

(e) categorizing said plurality of consecutive Internet pages into a plurality of Internet page categories using said common categorizing techniques adopted by various Internet search engines (Fig. 7; Fig. 18);

(f) counting number of said plurality of consecutive Internet pages in each of said plurality of Internet page categories (Fig. 1, 4; Fig. 5, 13; Paragraphs [86, 87]);

(g) ranking said plurality of Internet page categories from a highest interest Internet page category to a lowest interest Internet page categories based on a pre-defined formula, said plurality of visits said target audience having spent on each of said plurality of consecutive Internet pages and said number of said plurality of consecutive Internet pages in each of said plurality of Internet page categories being two variables of

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said pre-defined formula ([86, 87]);

(h) picking a plurality of Internet banner advertisements in said highest interest Internet page category, said highest interest Internet page category being one of said various Internet page categories; and

(i) presenting said plurality of Internet banner advertisements to said target audience ([5, 18, 35, 41, 137, 154, 86-94]).

Also, note that Ishida disclose that the content can be advertising ([137, 154]). Also, Ishida discloses that advertising that matches the user preferences/interest/etc can be sent ([5,18,35, 41]) and that the different content (which can also be advertising) can be categorized ([88]) and that content can be sent based on categories ([86-94]). Hence, the features of Ishida that apply to content can also apply to advertising. And, Ishida sends advertisements to users based on the highest interest categories.

Ishida does not explicitly disclose that length of time can be utilized to determine the highest interest categories. However, Ishida discloses that user access information can be recorded (Fig. 1) and that access information of a user(s) accessing content/webpages/URL can be utilized to determine interest in a category ([86]). Ishida further discloses that access information can include that the user accessed a webpage and also the length of time that the user was on a webpage (Paragraph [78, 79]; Figures 4, 3a, 3b) and that access information can be used to determined user interests ([78-81]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Ishida can use all of the available access information to determine

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the user interest in a category. One would have been motivated to do this in order to better determine user interest in a category.

In regards to claim 28, predefine interest level, ads over predefined interest level ([87-94, 41])

Claims 3, 10, 11, 12, 13, 19, 24, 25, 26, 27: In regards to claims 3, 10, 11, 12, 13, 19, 24, 25, 26, 27, Ishida discloses that said plurality of consecutive Internet pages can be either a single Internet page or a pre-defined number of Internet pages (Figures 3a, 4, 5, 7, 8, 9). Also, Ishida discloses that the content can be advertisements as stated above. Also, it would be obvious to one skilled in the art that advertisements presented on a webpage can be banner advertisements. One would be motivated to do this in order to present a popular and common form of advertising.

Claims 2, 7, 9, 14, 16, 17: In regards to claims 2, 7, 9, 14, 16, 17, it would be obvious to one skilled in the art that the steps of Ishida can be repeated (Figures 1, 3a, 3b, 6). One would be motivated to do this in order to allow the system to be utilized numerous times and to reach more users.

Claims 4, 20: In regards to 4, 20, please see the rejection above concerning the use of all available access log information.

Claims 5, 21: In regards to claims 5, 21, Ishida discloses that a single or numerous pieces of content can be in a given category (Fig. 18, Fig. 9).

Claims 6, 22: In regards to claims 6, 22, since Ishida can count points to determined a category ranking ([86]), it would be obvious that there can be a tie for a high category ranking.

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Dedrick (5,724,521):

“(33) In one embodiment of the present invention, statistic compilation process 26 compiles electronic content-specific information for return to the metering server 14. This information includes, for example, how much time the end user spent consuming the electronic content, and how much of the content was consumed. For example, a particular advertisement may include ten different screens which are displayed to the end user. If the end user spends 15 seconds viewing the first screen and 15 seconds viewing the second screen and then terminates the advertisement, the statistic compilation process 26 transfers information to the metering server 14 indicating that an individual with this end user's user profile data spent 30 seconds viewing the electronic information and that the content was 20 percent consumed (that is, two screens out of ten were consumed). Additionally, information indicating the specific elements of the advertisement that were consumed (that is, the first two screens in this example) is also transferred to the advertiser. Note that, as discussed above, this aggregate information does not reveal the identity of the end user who consumed the advertisement.

(77) The metering server 14 in conjunction with the client activity monitor 24 of the client system may monitor the end user's consumption of electronic advertising information and provide user profile data to the metering server 14 relating to the end user. For example, the metering process 36 may monitor the amount of time an end user spends viewing an electronic advertisement, or which particular advertisement or page of the advertisement was of interest to the end user. The metering process 36 may further monitor what answers were provided by the user, or paths taken by the user in an interactive model, along with follow-up requests initiated by the end user in an interactive model. This information is then forwarded to the clearinghouse server 20 for Compilation”;

b) Epstein (20020049738):

“[62]. . .or deleting information, comments relating to the usefulness or reliability of the information, annotations to the information, links to related information in the metabase, links to supplementary information outside of the metabase, votes or opinions as to the reliability of information, cross-references to duplicate information); implicit metadata (e.g., the information accessed by a user, the order in which a user accesses the



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information, the time spent by a user on a particular datum); and historical metadata (e.g., revision history and the number of accesses to a particular datum).”;

c) Gerace (5,848,396):

“Content of categories of interest and display format in each category are revealed by the psychographic profile, based on user viewing of agate information. Using the profile (with or without additional user demographics), advertisements are displayed to appropriately selected users. (Abstract)

(19) The Sponsor Object categorizes advertisement or other sponsor provided information according to content and presentation, including colors used, size, shape, and whether audio and/or video components are involved. An advertiser profile building routine automates the process of identifying colors, size, shape, and whether video and/or audio are involved.

(7) Accordingly, program 31 in its most general form has an agate data assembly 71, a user profiling member 73, an advertisement module 75 and a program controller 79 as illustrated in FIG. 2. The agate data assembly 71 stores the various agate information for user viewing. The user profiling member 73 records information regarding each user, including a user's identification, categories of interest and the user's display preferences of each category. Advertisement module 75 holds sponsor information and their advertisements, with a target audience profile indicated for each advertisement.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Arthur Duran', with a stylized, cursive script.

Arthur Duran  
Primary Examiner  
5/4/2006